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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
EXPOFRESH S.A.
FOR AN ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782

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13 Misc.

~~PROPOSED~~ ORDER
PURSUANT TO 28 U.S.C. § 1782(a)

The Court having received the *ex parte* application dated September 5, 2013, submitted on behalf of ExpoFRESH S.A. ("Applicant" or "Expofresh") seeking discovery pursuant to 28 U.S.C. § 1782 and the Court having considered said application including the declaration of Gastón Dell'Oca, dated August 30, 2013, declaration of Kathleen M. Kunder, dated September 5, 2013, and Applicant's memorandum of law in support of its application, requesting this Court to order the issuance of a subpoena directing S. Katzman Produce Inc. ("Katzman Produce") to produce certain documents and to provide testimony, for use in an Argentine commercial lawsuit pending before the National Commercial Court of First Instance No. 4, Secretariat No. 7, against Anqas Takanas S.R.L. ("Anqas"), and the Court being of the opinion that execution of the application is proper under the provisions of 28 U.S.C. § 1782(a) and in the exercise of its discretion;

Now therefore, it is hereby

ORDERED, that the application of Expofresh for discovery, pursuant to 28 U.S.C. § 1782, is hereby granted; and it is further

ORDERED, that a subpoena be issued to S. Katzman Produce, Row A, Unit 153-157, Hunts Point Market, Bronx, New York 10474, forthwith and served together with a copy of this Order and that such subpoena provide for the production of all documents concerning the below-listed shipments to Katzman Produce, including but not limited to (a) files regarding fruit imports to the United States, (b) invoices or accounting documents stating the price of the purchased goods, (c) the

settling of the sales, proof of payment for said goods indicating the recipient, amount, date of payment, account and bank where the money was transferred, and (d) all documents reflecting any instructions from Anqas or others regarding payment of such invoices:


BUYER	AIRWAY BILL	SHIPPING DATE	CLEARANCE	EXPORT PERMIT
KATZMAN PRODUCE	001-4595-2583	10/13/2010	10/073/ES01/000239/U	11073EC07001277Y
KATZMAN PRODUCE	001-4595-2594	10/14/2010	10/073/ES01/000248/U	11073EC07001273K
KATZMAN PRODUCE	001-4595-2653	10/17/2010	10/073/ES01/000294/V	11073EC07001271X
KATZMAN PRODUCE	001-5913-1984	10/22/2010	10/073/ES01/000368/A	11073EC07001268Y
KATZMAN PRODUCE	001-5913-2021	10/24/2010	10/073/ES01/000390/S	11073EC07001272J
KATZMAN PRODUCE	307-3340-3053	10/25/2010	10/073/ES01/000394/W	11073EC07001265L
KATZMAN PRODUCE	001-5913-2253	11/04/2010	10/073/ES01/000617/U	11073EC07001267N
KATZMAN PRODUCE	001-5913-2253	11/05/2010	10/073/ES01/000638/A	11073EC07001279Z
KATZMAN PRODUCE	001-5914-2705	11/14/2010	10/073/ES01/000822/S	11073EC07001274L
KATZMAN PRODUCE	001-5914-2720	11/16/2010	10/073/ES01/000839/D	11073EC07001275M
KATZMAN PRODUCE	001-5914-2860	11/20/2010	10/073/ES01/000918/B	11073EC07001270H
KATZMAN PRODUCE	001-5914-2856	11/21/2010	10/073/ES01/000919/C	11073EC07001269P

And it is further

ORDERED, that Kathleen M. Kunder, Esq., and any other attorney affiliated with the law firm of Fox Horan & Camerini LLP and admitted to the United States District Court for the Southern District of New York, be appointed as examiners to take the deposition, to obtain the requested

documents and to issue the subpoena to obtain such discovery pursuant to the Federal Rules of Civil Procedure.

Dated: September 10, 2013
New York, New York


UNITED STATES DISTRICT JUDGE

Jesse M. Furman
United States District Judge
Southern District of New York

Part I